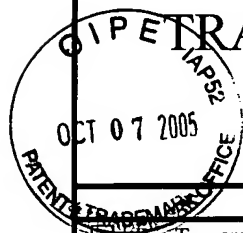


IFW



TRANSMITTAL FORM

Application Serial Number	10/688,845
Filing Date	October 15, 2003
First Named Inventor	Lotze
Group Art Unit	1632
Examiner Name	Lieto, Louis D.
Attorney Docket No.	UPT-004
Confirmation No.	9535

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input checked="" type="checkbox"/> Response to Restriction Requirement (3 pages) <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 (1 pg.) <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
---	---	---

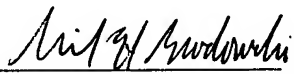
CORRESPONDENCE ADDRESS

Direct all correspondence to:
 Patent Administrator
 Kirkpatrick & Lockhart Nicholson
 Graham LLP
 75 State Street
 Boston, MA 02109-1808
 Tel. No.: (617) 261-3100
 Fax No.: (617) 261-3175

SIGNATURE BLOCK

Respectfully submitted,

Date: October 4, 2005
 Reg. No. 41,640
 Tel. No.: (617) 261-3113
 Fax No.: (617) 261-3175


 Michael H. Brodowski
 Attorney for Applicants
 Kirkpatrick & Lockhart Nicholson
 Graham LLP
 75 State Street
 Boston, MA 02109-1808

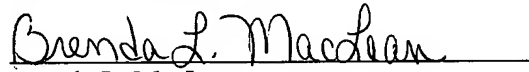


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Lotze *et al.* CONFIRMATION NO.: 9535
SERIAL NO.: 10/688,845 GROUP NO.: 1632
FILING DATE: October 15, 2003 EXAMINER: Lieto, Louis D.
TITLE: Methods and Reagents For Inducing Immunity

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4th day of October, 2005.


Brenda L. MacLean

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Response to Restriction Requirement (3 pages); and
3. a return receipt postcard.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Lotze *et al.* CONFIRMATION NO.: 9535
SERIAL NO.: 10/688,845 GROUP NO.: 1632
FILING DATE: October 15, 2003 EXAMINER: Lieto, Louis D.
TITLE: Methods and Reagents for Inducing Immunity

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This paper is responsive to a restriction requirement issued in an Office action mailed from the U.S. Patent and Trademark Office on September 7, 2005, in relation to the above-identified application. Applicants believe no fee is due for consideration of this paper; however, if a fee is due, please consider this a conditional petition therefor and authorization to charge the required fee for this submission to Deposit Account No. 50-1721.

The Office action, pursuant to 35 U.S.C. § 121, sets forth a restriction requirement requiring Applicants to elect one of the following allegedly distinct inventions for prosecution on the merits, namely:

Group I: Claims 1-27, drawn to a method of inhibiting or treating a tumor in a subject, with an effective amount of an APC and an immunostimulatory cytokine, classified in class 424, subclass 93.1.

Group II: Claims 1-12 and 27, drawn to a method of inhibiting or treating an infectious lesion in a subject, with an effective amount of an APC and an immunostimulatory cytokine, classified in class 424, subclass 93.1.

Group III: Claims 1-27, drawn to a method of inhibiting or treating a tumor in a subject, with an effective amount of an APC and a nucleic acid encoding an immunostimulatory cytokine, classified in class 514, subclass 44.

Group IV: Claims 1-12, and 27 drawn to a method of inhibiting or treating an infectious lesion in a subject, with an effective amount of an APC and a nucleic acid encoding an immunostimulatory cytokine, classified in class 514, subclass 44.

Applicants provisionally elect with traverse Group I drawn to a method of inhibiting or treating a tumor in a subject, with an effective amount of an APC and an immunostimulatory cytokine corresponding to claims 1-27.

As a result of the provisional election of Group I, Applicants are also required by the Office action to make three species elections. The first species election requires the Applicants to elect one of the allegedly patentably distinct species of antigen presenting cells listed on page 4 of the Office action. Applicants provisionally elect a CD34+ derived dendritic cell as the species of antigen presenting cell.

The second species election requires the Applicants to elect one of the alleged patentably distinct species of immunostimulatory cytokines or nucleic acid encoded cytokines as listed in claims 6 or 18. Applicants provisionally elect interleukin-12 as the species of immunostimulatory cytokine.

The third species election requires the Applicants to elect one of the allegedly patentably distinct species of tumors listed in claim 9 or 21. Applicants provisionally elect melanoma as the species of tumor.

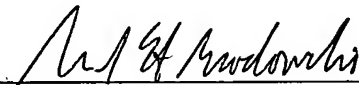
The Examiner is invited to call the undersigned with any questions or comments if the Examiner believes a telephone conversation would be helpful in expediting prosecution of the instant application.

Respectfully submitted,

Date: October 4, 2005
Reg. No. 41,640

Tel. No.: (617) 261-3113
Fax No.: (617) 261-3175

BOS-901463 v2



Michael H. Brodowski
Attorney for the Applicants
Kirkpatrick & Lockhart Nicholson
Graham LLP
75 State Street
Boston, Massachusetts 02109-1808